



Future of Florida's Families Committee

**December 7, 2005
9:00 AM – 11:00 AM
12 House Office Building**

Action Packet

COMMITTEE MEETING REPORT
Future of Florida's Families Committee
12/7/2005 9:15:00AM

Location: 12 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Bill Galvano (Chair)	X		
Rafael Arza		X	
Aaron Bean	X		
Susan Bucher	X		
Mike Davis	X		
Richard Glorioso	X		
Susan Goldstein		X	
Will Kendrick	X		
Totals:	6	2	0

Committee meeting was reported out: Wednesday, December 07, 2005 9:53:59AM

COMMITTEE MEETING REPORT
Future of Florida's Families Committee
12/7/2005 9:15:00AM

Location: 12 HOB

HB 109 CS : Temporary Custody of a Child by an Extended Family Member or Putative Father

☒ *Favorable With Committee Substitute -*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Rafael Arza			X		
Aaron Bean	X				
Susan Bucher	X				
Mike Davis	X				
Richard Glorioso	X				
Susan Goldstein			X		
Will Kendrick	X				
Bill Galvano (Chair)	X				
Total Yeas: 6		Total Nays: 0			

Appearances:

Temporary Custody of a Child
Shawn Foster - Information Only
Senator Fasano
310 Senate Office Building
Tallahassee FL 32399-1100
Phone: 850/487-5062

Temporary Custody of a Child
Fred Dudley (Lobbyist) - Opponent
Family Law Section
106 E. College Avenue, Suite 1200
Tallahassee FL 32301
Phone: 850/521-8013

Committee meeting was reported out: Wednesday, December 07, 2005 9:53:59AM

COMMITTEE MEETING REPORT
Future of Florida's Families Committee
12/7/2005 9:15:00AM

Location: 12 HOB

HB 275 : Motor Vehicle Insurance for Foster Children

☒ *Favorable With Committee Substitute -*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Rafael Arza			X		
Aaron Bean	X				
Susan Bucher	X				
Mike Davis	X				
Richard Glorioso	X				
Susan Goldstein			X		
Will Kendrick	X				
Bill Galvano (Chair)	X				
Total Yeas: 6 Total Nays: 0					

Committee meeting was reported out: Wednesday, December 07, 2005 9:53:59AM

COMMITTEE MEETING REPORT
Future of Florida's Families Committee
12/7/2005 9:15:00AM

Location: 12 HOB

Summary:

Future of Florida's Families Committee

Wednesday December 07, 2005 09:15 am

HB 109 CS	Favorable With Committee Substitute	Yeas: 6	Nays: 0
HB 275	Favorable With Committee Substitute	Yeas: 6	Nays: 0

Committee meeting was reported out: Wednesday, December 07, 2005 9:53:59AM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 109

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

12/7/2005

Council/Committee hearing bill: Future of Florida's Families
Committee

Representative(s) Anderson offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (1) of section 751.011, Florida
Statutes, is amended to read:

751.011 Definitions.--As used in ss. 751.01-751.05, the
term:

(1) "Extended family member" is any person who is a
relative within the third degree by blood or marriage to the
parent or stepparent of a child ~~family composed of the minor~~
~~child and a relative of the child who is the child's brother,~~
~~sister, grandparent, aunt, uncle, or cousin.~~

Section 2. Section 751.02, Florida Statutes, is amended to
read:

751.02 Determination of temporary custody proceedings;
jurisdiction.--

(1) The following individuals may bring proceedings in the
circuit court to determine the temporary custody of a minor
child:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

23 (a) Any extended family member ~~relative of a minor child~~
24 who has the signed, notarized consent of the child's legal
25 parents; ~~or~~

26 (b) Any extended family member or a putative father who is
27 caring full time for the child in the role of a substitute
28 parent and ~~relative of the child, including a putative father,~~
29 with whom the child is presently living, ~~may bring proceedings~~
30 ~~in the circuit court to determine the temporary custody of the~~
31 ~~child.~~

32 (2) A putative father may bring a proceeding for temporary
33 custody only when he is unable to perfect personal service of
34 process upon the mother of the child. When the putative father
35 is able to perfect personal service of process upon the mother
36 of the child, he must petition for custody and other relief,
37 including the establishment of his paternity of the child, under
38 chapter 742.

39 Section 3. Section 751.03, Florida Statutes, is amended to
40 read:

41 751.03 Petition for temporary custody; contents.--Each
42 ~~Every~~ petition for temporary custody of a minor child must be
43 verified by the petitioner and must contain statements, to the
44 best of petitioner's knowledge and belief, showing:

45 (1) The name, date of birth, and current address of the
46 child;

47 (2) The names and current addresses of the child's
48 parents;

49 (3) The names and current addresses of the persons with
50 whom the child has lived during the past 5 years;

51 (4) The places where the child has lived during the past 5
52 years;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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53 (5) Information concerning any custody proceeding in this
54 or any other state with respect to the child;

55 (6) The residence and post office address of the
56 petitioner;

57 (7) The petitioner's relationship to the child, including
58 the circumstances leading the petitioner to believe he is the
59 natural father of the child when the petitioner is the putative
60 father; and

61 (8) The consent of the child's parents, or the
62 circumstances of the child's current living situation with the
63 petitioner, including information concerning the fitness of the
64 parents to raise the child and whether either parent has abused,
65 abandoned, or neglected the child;-

66 (9) Any temporary or permanent child support obligations
67 for the benefit of the child;

68 (10) Whether an order of protection governing the parties
69 or a party and a minor child of the parties or party is in
70 effect and, if so, the court in which the order was entered;

71 (11) That it is in the best interest of the child for the
72 petitioner to have custody of the child; and

73 (12)+9- A statement of the period of time the petitioner
74 is requesting temporary custody, including a statement of the
75 reasons supporting that request.

76
77 Only an extended family member or a putative father may file a
78 petition under this chapter.

79 Section 4. Subsections (5) and (7) of section 751.05,
80 Florida Statutes, are amended to read:

81 751.05 Order granting temporary custody.--

82 (5) (a) The order granting temporary custody of the minor
83 child to the petitioner may not include an order for the support.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

84 of the child unless the parent has received personal or
85 substituted service of process, the petition requests an order
86 for the support of the child, and there is evidence of the
87 parent's ability to pay the support ordered.

88 (b) The order granting temporary custody may redirect all
89 or part of an existing child support obligation to be paid to
90 the extended family member who is granted temporary custody of
91 the child. If the court redirects an existing child support
92 obligation, the clerk of the circuit court in which the
93 temporary custody order is entered shall transmit a certified
94 copy thereof to the court originally entering the child support
95 order. The temporary custody order shall be recorded and filed
96 in the original action in which child support was determined and
97 become a part thereof.

98 (7) At any time, either or both of the child's parents may
99 petition the court to modify or terminate the order granting
100 temporary custody. The court shall terminate the order upon a
101 finding that the parent ~~requesting the termination of the order~~
102 is a fit parent, or by consent of the parties. The court may
103 modify an order granting temporary custody if the parties
104 consent or if modification is in the best interest of the child.

105 Section 5. This act shall take effect July 1, 2006.

106
107 ===== T I T L E A M E N D M E N T =====

108 Remove the entire title and insert:

109 A bill to be entitled

110 An act relating to temporary custody of a child by an
111 extended family member or a putative father; amending s.
112 751.011, F.S.; defining the term "extended family member";
113 amending s. 751.02, F.S.; authorizing an extended family
114 member to bring a proceeding in court to determine the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

115 temporary custody of a child; amending s. 751.03, F.S.;
116 specifying the information that must be included in a
117 petition for temporary custody by an extended family
118 member or a putative father; providing that only an
119 extended family member or a putative father may file a
120 petition for temporary custody under ch. 751, F.S.;
121 amending s. 751.05, F.S.; authorizing a court to redirect
122 child support payments to an extended family member;
123 providing that either or both of the child's parents may
124 petition the court to modify the order granting temporary
125 custody under certain circumstances; providing an
126 effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **HB 275**

COUNCIL/COMMITTEE ACTION

ADOPTED ☐ (Y/N)
ADOPTED AS AMENDED ☐ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT ☐ (Y/N)
WITHDRAWN ☐ (Y/N)
OTHER ☐

12/7/2005

1 Council/Committee hearing bill: Future of Florida's Families
2 Representative(s) Detert offered the following:

3
4 **Amendment**

5 Remove line(s) 54, and insert:

6 child in the insurance policy, and ensuring that the payments
7 are made to eligible persons in the order each is determined
8 eligible until the funds are exhausted.
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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. HB 275

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

12/7/2005

Council/Committee hearing bill: Future of Florida's Families
Representative(s) Detert offered the following:

Amendment

Remove line(s) 67-70, and insert:

Section 2. The sum of \$150,000 is appropriated from the General Revenue Fund to the Department of Children and Family Services for the purpose of implementing this act during the 2006-2007 fiscal year. This sum shall be apportioned as follows: \$110,000 to be divided between Pinellas and Pasco Counties and \$40,000 to be divided among the Manatee, Sarasota, and Desoto Counties.

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